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Attorneys for Secured Creditor, HSBC Bank USA, National Association as Trustee for
MortgageIT Securities Corp. Mortgage Loan Trust Series 2007-1, Mortgage Pass-Through
Certificates.
09-76724 / 1158070100

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In Re:
Alley Sayadyan

No. 09-27852-mkn
Chapter 13

Debtor.

**EX-PARTE APPLICATION FOR
AN ORDER PURSUANT TO
362(c)(3)(A)**

HSBC Bank USA, National Association as Trustee for MortgageIT Securities Corp.

1 Mortgage Loan Trust Series 2007-1, Mortgage Pass-Through Certificates by and through
2 counsel undersigned, requests from this Court an Order Confirming that the Automatic Stay of
3 11 U.S.C. § 362 has not arisen with respect to the Debtor due to the multiple filings as
4 evidenced below.

5
6 This Motion is supported by the following Memorandum of Points and Authorities.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8
9 1. HSBC Bank USA, National Association as Trustee for MortgageIT Securities
10 Corp. Mortgage Loan Trust Series 2007-1, Mortgage Pass-Through Certificates is the holder in
11 due course of a Promissory Note executed and delivered by Alley Sayadyan on or about
12 February 26, 2007 in the original sum of \$528,000.00. The HSBC Bank USA, National
13 Association as Trustee for MortgageIT Securities Corp. Mortgage Loan Trust Series 2007-1,
14 Mortgage Pass-Through Certificates Note is secured by a Deed of Trust dated February 26,
15 2007 and recorded as a first position at the Los Angeles County, California Recorder's Office,
16 Instrument Number 20070474744. The Deed of Trust secures a first lien position against the
17 real property generally described as:
18

19
20 LOT 64 OF TRACT NO, 18967, IN THE CITY OF LOS ANGELES, COUNTY OF
21 LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK
22 552, PAGE 7 TO 9 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY
23 RECORDER OF SAID COUNTY.

24 Commonly described as: 10031 Cabanas Ave., Tejuca, CA 91042

25 2. A true and a correct copy of the HSBC Bank USA, National Association as
26 Trustee for MortgageIT Securities Corp. Mortgage Loan Trust Series 2007-1, Mortgage Pass-
Through Certificates Note and Deed of Trust are attached hereto, marked Exhibits "A" and "B"

1 and incorporated herein by reference for all purposes.

2 3. The Debtor filed the instant case on September 24, 2009.

3 4. Prior to the filing of the present case, Debtor filed an additional case within a
4 one-year period as follows: Case# 09-23676 filed on June 2, 2009 in the District of California.
5 This case was voluntarily dismissed on June 25, 2009 by the debtor.
6

7 5. Prior to the filing of the present case, Debtor filed an additional case within a
8 one-year period as follows: Case# 09-28045 filed on July 14, 2009 in the District of
9 California. This case was voluntarily dismissed on September 9, 2009.
10

11 6. Secured Creditor requests that the Court enter an Order confirming that there is
12 no Automatic Stay affecting Secured Creditor with respect to the Debtor.

13 7. Bankruptcy Code Section 362(c)(3)(A) provides as follows:

14 If a single or joint case is filed by or against Debtor who is an individual in a case under
15 Chapter 7, 11, or 13, and if a single or joint case of the Debtor was pending within the
16 preceding one year period but was dismissed, other than a case we filed on a Chapter
17 other than Chapter 7 after dismissal under Section 707(b), (a) the stay under subsection
18 a with respect to any action taken with respect to a debt or property securing such debt
19 or with respect to any lease shall terminate with respect to the Debtor on the 30th day
20 after the filing of the later case.

21 Further, Bankruptcy Code Section 362(j) allows a party to request such "an
22 order under subsection (c) confirming that the automatic stay has been terminated."

23 8. As stated above, Debtor was a Debtor in a prior case pending within a preceding
24 one year period of time prior to the institution of the present case, and that prior case has been
25 dismissed. The Debtor did not seek an order to extend the automatic stay. Thus, the automatic
26 stay as section 362 expired on the 30th day after the filing of this present case.

WHEREFORE, for all of the foregoing reasons, HSBC Bank USA, National Association as Trustee for MortgageIT Securities Corp. Mortgage Loan Trust Series 2007-1, Mortgage Pass-Through Certificates requests the Court to enter an Order confirming that the Automatic Stay is not in effect with respect to the Debtor of the subject property described in this motion.

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 #10746

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1 Copies of the foregoing mailed this

2
3 8th day of January, 2010, to:

4
5 Alley Sayadyan
6 7014 Encore Way
7 Las Vegas, NV NV 89119
8 Debtor

9 GE Money Bank
10 c/o Recovery Management Systems Corp.
11 Attn: Managing Agent
12 25 SE 2nd Avenue, Suite 1120
13 Miami, FL 33131-1605
14 "Via Certified Mail"

15 Jeremy T. Bergstrom, Esq.
16 MILES, BAUER, BERGSTROM & WINTERS, LLP
17 2200 Paseo Verde Pkwy., Suite 250
18 Henderson, NV 89052
19 PH (702) 369-5960

20 Kathleen A Leavitt
21 201 Las Vegas Blvd., So. #200
22 Las Vegas, NV 89101
23 Trustee

24
25
26
By: Jamie Miller